IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 5425 of 2005

Between:

1 Bhagya Laxmi W/o.Late M.Narsing Rao
R/o.70/1, MIG-III Phase, KPHB Colony, Kukatpally, Hyderabad.
2 P.Krishna Reddy, S/o.P.Venkat Reddy
R/o.H.No.9-15/1, Road No.6A, Dwarakapuram, Dilsuknagar,

Hyderabad.60

..... PETITIONERS

AND

1 Deccan Cooperative Urban Bank Ltd. Represented by its Managing

Director, Santosh Nagar X Roads, Saidabad, Hyderabad.
2 Co-operative Sub Registrar/Sales Officer/Arbitrator,

O/o.Dy.Registrar, Cooperative Societies City Circle, Hyderabad.
3 Co-operative Tribunal, 7th Floor, Chandravihar Complex,
Opp.Exhibition Grounds, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order to issue a writ, direction or order more particularly a writ of Mandamus declaring the action of the first respondent in issuing the impugned proceedings in C.E.P.No.50/2003-UBCS dt.25.10.2004, in A.R.C.No.121/2002 under Section 52 (6) of the Andhra Pradesh Cooperative Societies Act, as arbitrary, illegal and contrary to law.

Counsel for the Petitioners: MR.KISHORE RAI

Counsel for the Respondent No.1:MR.T.V.RAJEEVAN, Advocate
Counsel for the Respondent Nos.2 and 3: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioners are aggrieved by proceedings dated 25.10.2004 in A.R.C.No.121/2002 whereby and whereunder the second respondent directed the Regional Director, Reserve Bank of India, to attach the salary of the first petitioner, who is working as a peon in Reserve Bank of India. The second respondent also advised the Reserve Bank of India to withhold a sum of Rs.24,554/- from the salary of the first petitioner in monthly instalments of Rs.1,500/-.

Aggrieved by the impugned proceedings, the petitioners initially approached A.P.Cooperative Tribunal, Hyderabad by filing an appeal under Section 76 of A.P.Cooperative Societies Act, 1964 (the Act, for brevity). The appeal was returned by the said Tribunal advising the petitioners to seek relief before the executing Court by filing the petition to recall the warrant on the ground of satisfying the award. In this writ petition, two contentions are raised. It is submitted that the principal borrower has already paid the award amount and therefore any attachment of the salary of the petitioners is unnecessary. Secondly, it is urged that even against the order of attachment, based under Rule 52(6) of the Act an appeal would lie to the Tribunal. For this proposition, reliance is placed on the judgment delivered by me in **A.Vema Naidu v Erracheruvupalle Primary Agricultural Cooperative Society Chittoor.**

After hearing the learned counsel for the petitioners and the learned standing counsel for first respondent, and perusing the endorsement made by the learned Chairman of the Tribunal, this Court is of considered opinion that the papers were not returned by the Tribunal on the ground that the appeal is not maintainable. The party was advised only to approach the second respondent by reason of attachment. Indeed whenever an objection is to be raised, sub-rule 21 of Rule 52 provides for an aggrieved person to make an application to the Sales Officer, which shall have been considered on its own merits. Liberty is given to the petitioner to approach the second respondent by filing appropriate application within one week from today. As and when the petitioner moves the said application to the second respondent, the same shall be considered and disposed of within a period of six weeks therefrom.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

28.06.2005.

pln

To

1 The Managing Director, Deccan Cooperative Urban Bank Ltd.,
Santosh Nagar X Roads, Saidabad, Hyderabad.
2 Co-operative Sub Registrar/Sales Officer/Arbitrator,

O/o.Dy.Registrar, Cooperative Societies City Circle, Hyderabad.
3 Co-operative Tribunal, 7th Floor, Chandravihar Complex,
Opp.Exhibition Grounds, Nampally, Hyderabad.

4 Two CCs to Government Pleader for Cooperation, High Court

Buildings, Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.RAJEEVAN

7 1 CC to MR.KISHORE RAI

*Form-NIC-OGS/WP{**MPL**}*